

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARGONAUT INSURANCE COMPANY,

Plaintiff,

-against-

KNOTEL, INC., et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 03/18/2024

20-CV-09432 (MMG)

ORDER OF DISMISSAL

MARGARET M. GARNETT, United States District Judge:

The Court is in receipt of the parties' stipulation of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a), which has been flagged as deficient as to form by the Clerk's Office. (Dkt. Nos. 34, 35). The Court recognizes that counsel for "Liquidating Debtor Knotel, Inc." represents the Liquidating Trustee in the bankruptcy proceedings involving Defendant Knotel, Inc. and its U.S. subsidiaries, *In re Knotel, Inc., et al.*, Case No. 21-10146 (MFW) (Bankr. D. Del.) (the "Bankruptcy Proceedings"). In light of the 363 Sale of substantially all of Defendant Knotel, Inc.'s assets (*see* Bankr. Dkt. No. 946), and the Bankruptcy Court's Confirmation Order of the Chapter 11 Plan (Bankr. Dkt. No. 1259), the Liquidating Trustee is the successor-in-interest to Defendant Knotel, Inc. Accordingly, the Court shall treat the parties' stipulation of voluntary dismissal as a notice of settlement in principle, solely as to the action before this Court.

Accordingly, it is hereby ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs (including attorneys' fees), without prejudice pursuant to Fed. R. Civ. P. 15(a)(2), without prejudice to any claims pending in the ongoing Bankruptcy Proceedings, and without prejudice to the right to reopen the action **within 30 days** of the date of this Order.

Any application to reopen **must** be filed **by the aforementioned deadline**; any application to reopen filed thereafter may be denied solely on that basis. If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court by the deadline to reopen to be "so ordered" by the Court. Unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

Any pending motions are moot. All conferences are cancelled. The Clerk of Court is directed to CLOSE the case.

Dated: March 18, 2024
New York, New York

SO ORDERED.


MARGARET M. GARNETT
United States District Judge